IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 536 OF 2006
WITH
CIVIL APPLICATION NO. 691 OF 2006

Shri Madhavrao Yeshwantrao Ghorpade
and Ors. ...Appellants
V/s.
Shri Babu Shankar Gorpal & Ors. ...Respondents

Shri Kuldeep S. Patil for Appellants.

CORAM : A.M. KHANWILKAR, J.

DATED : JULY 25, 2006

P.C. :-

. Having regard to the fact that the Court below has allowed the appeal directing remand of the proceeding, in the interest of justice, it will not be appropriate for this Court to interfere with such discretionary order. No prejudice will be caused to the appellants if the trial proceedings are further proceeded in terms of the impugned order. On the contrary, fairness of trial warrants such remand order. Hence, appeal is devoid of merits and the same is dismissed.

(A.M. KHANWILKAR, J.)